

FISCAL NOTE

Bill #: HB0566

Title: Mandatory reporting of positive drug test to motor vehicle division

Primary Sponsor: Mendenhall, S

Status: As Introduced

Sponsor signature	Date	Chuck Swysgood, Budget Director	Date
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Fiscal Summary

	<u>FY 2004 Difference</u>	<u>FY 2005 Difference</u>
Expenditures:		
General Fund	\$59,856	\$29,000
Revenue:		
General Fund	\$1,800	\$2,400
Net Impact on General Fund Balance:	(\$58,056)	(\$26,600)

<input type="checkbox"/> Significant Local Gov. Impact	<input checked="" type="checkbox"/> Technical Concerns
<input type="checkbox"/> Included in the Executive Budget	<input type="checkbox"/> Significant Long-Term Impacts
<input type="checkbox"/> Dedicated Revenue Form Attached	<input checked="" type="checkbox"/> Needs to be included in HB 2

Fiscal Analysis

ASSUMPTIONS:

Department of Justice

1. Violation of the contract conditions provided in Section 1(4) of this bill results in a \$100 fine.
2. The revenues generated from the fine are unknown.
3. It is assumed the number of individuals holding commercial drivers licenses who refuse to submit to or fail to successfully pass the mandated drug or alcohol testing would be similar to the number incidences of alcohol violations requiring driver control actions annually. There are approximately 58,000 commercial driver licenses issued in Montana. In calendar year 2002 there were 24 commercial driver licenses suspended for alcohol related violations in Montana.
4. It is assumed the number of commercial driver licenses suspended under this bill would be similar to the number of alcohol convictions for commercial drivers. Therefore, 18 commercial driver licenses would be suspended in FY 2004 and 24 in FY 2005, half would contest the suspension, four would appeal to District Court and one would appeal to the Supreme Court.
5. Administrative costs will be \$13,500 in FY 2004 and \$18,000 in FY 2005 for the administrative hearings. Costs for appeals in District Court are estimated to be \$6,000 in FY 2004 and \$8,000 in FY 2005. Supreme Court appeals are estimated to cost \$3,000 in FY 2005.

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(continued)

Administrative Hearings:

$24 \times .5 = 12 \times .75 = 9 \times \$1,500 = \$13,500$ in FY 2004

$24 \times .5 = 12 \times \$1,500 = \$18,000$ in FY 2005

District Court Appeals:

$4 \times .75 = 3 \times \$2,000 = \$6,000$ in FY 2004

$4 \times \$2,000 = \$8,000$ in FY 2005

Supreme Court Appeal:

$1 \times \$3,000 = \$3,000$ in FY 2005

6. Programming and computer processing costs total \$40,356 in FY 2004. These costs are associated with the creation of a new process to report and track drug test refusals or failures for those with commercial driver licenses and updating the driver license system for these driver license suspensions and reinstatements.
7. Reinstatement fee revenues would increase approximately \$1,800 in FY 2004 and \$2,400 in FY 2005. (\$100 x 18 in FY 2004 and \$100 x 24 in FY 2005)

Judicial Branch

8. In the New Section 2 (6) an individual can petition for a review of their suspended license to the District Court. It is estimated there would be a minimal number of cases that could impact the court docket of cases waiting to be heard.
9. There is no fiscal impact to the Judicial Branch.

FISCAL IMPACT:

Department of Justice
Motor Vehicle Division

	<u>FY 2004</u> <u>Difference</u>	<u>FY 2005</u> <u>Difference</u>
<u>Expenditures:</u>		
Operating Expenses	\$59,856	\$29,000
<u>Funding of Expenditures:</u>		
General Fund (01)	\$59,856	\$29,000
<u>Revenues:</u>		
General Fund (01)	\$1,800	\$2,400
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>		
General Fund (01)	(\$58,056)	(\$26,600)